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PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86183803
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86183803/large
LITERAL ELEMENT	INHABITECT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	037
DESCRIPTION	Consulting in the field of building construction
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2013
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2013
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	037
TRACKED TEXT DESCRIPTION	
Consulting in the field of building construction ; Consulting in the field of green roof construction	
FINAL DESCRIPTION	Consulting in the field of green roof construction
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/01/2013
FIRST USE IN COMMERCE DATE	At least as early as 01/01/2013
ADDITIONAL STATEMENTS SECTION	

MISCELLANEOUS STATEMENT	Consistent with TMEP 1402.06, Applicant hereby respectfully requests limitation of the goods specified in Applicant's application for registration to consulting regarding green roofs. Applicant's request is intended to avoid the likelihood of confusion asserted in the examining attorney's final refusal. Since Applicant's consulting services extend only to green roofs, Applicant avers that there is no likelihood of confusion with the planning, laying out, and construction of a planned residential community services cited as objectionable to Applicant's application for registration.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/JAD/
SIGNATORY'S NAME	John Di Giacomo
SIGNATORY'S POSITION	Attorney of record, Michigan bar member
SIGNATORY'S PHONE NUMBER	231-714-0100
DATE SIGNED	01/08/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Jan 08 14:02:19 EST 2016
TEAS STAMP	USPTO/RFR-XX.XX.XXX.XXX-2 0160108140219749204-86183 803-550bf96bab25d3f19d5b2 201646a916764bd8eeea58faa 21cf7da964d3d69787fa-N/A- N/A-20160108131915071002

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OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86183803** INHABITECT(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86183803/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 037 for Consulting in the field of building construction

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2013 and first used in commerce at least as early as 01/01/2013 , and is now in use in such commerce.

Proposed:

Tracked Text Description: ~~Consulting in the field of building construction;~~ [Consulting in the field of green roof construction](#)

Class 037 for Consulting in the field of green roof construction

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 01/01/2013 and first used in commerce at least as early as 01/01/2013 , and is now in use in such commerce.

ADDITIONAL STATEMENTS

Miscellaneous Statement

Consistent with TMEP 1402.06, Applicant hereby respectfully requests limitation of the goods specified in Applicant's application for registration to consulting regarding green roofs. Applicant's request is intended to avoid the likelihood of confusion asserted in the examining attorney's final refusal. Since Applicant's consulting services extend only to green roofs, Applicant avers that there is no likelihood of confusion with the planning, laying out, and construction of a planned residential community services cited as objectionable to Applicant's application for registration.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /JAD/ Date: 01/08/2016

Signatory's Name: John Di Giacomo

Signatory's Position: Attorney of record, Michigan bar member

Signatory's Phone Number: 231-714-0100

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86183803

Internet Transmission Date: Fri Jan 08 14:02:19 EST 2016

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XXX-2016010814021974

9204-86183803-550bf96bab25d3f19d5b220164

6a916764bd8eeea58faa21cf7da964d3d69787fa

-N/A-N/A-20160108131915071002